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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,040	12/28/2001	Gary Solomon	42390.P13767	1949

7590 05/07/2004

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Los Angeles, CA 90025-1026

EXAMINER

ABRAHAM, ESAW T

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 05/07/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/041,040

Applicant(s)

SOLOMON ET AL.

Examiner

Esaw T Abraham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on pre/amdt filed on 04/11/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims **1-17** are presented for examination.

\*\*\*\*\* The examiner considers the preliminary amendment filled on 04/11/02.

#### *Claim objections*

2. Claim **13** is objected to because of the following informalities:

(a) Please change the term or phrase "A method, comprising" to "A method, comprising the steps of".

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1-17** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Doiron (U.S. PN: 5,968,197).

As per claims **1, 7 and 13**, Doiron in figure 1 teaches or discloses a data communications network which includes a sending unit (12) for sending packets of data over a network bus (16) to a receiving unit (14) whereby both units include transceivers (24) and (30) for communicating packet information over the network bus 16. Doiron further teach an automatic repeat request (ARQ) protocol is employed between sender and receiver so that when a data unit is received correctly by the receiving unit, the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly (unsuccessfully) and cannot be

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correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44).

As per claims **2 and 3, 8 and 9**, Doiron teaches all the subject matter claimed in claim 1, 7, and 13 including Doiron in figure 3A teaches a data format where data is sent in units and the message may begin with a header portion of bits allocated to any number of functions including start of a data message, sender and/or receiver address information, length of the message, etc (see col. 5, last paragraph).

As per claims **4, 10, 14 and 17**, Doiron teaches all the subject matter claimed in claim 1, 7, and 13 including Doiron teach that the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly (unsuccessfully) and cannot be correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44).

As per claims **5, 11 and 15**, Doiron teaches all the subject matter claimed in claim 1, 7, and 13 including Doiron teach that the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly or received undefined error messages and cannot be correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44).

As per claims **6, 12 and 16**, Doiron teaches all the subject matter claimed in claim 1, 7, and 13 including Doiron teach that the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly or received malformed error messages and cannot be correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44).

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*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US PN: 6519731 Huang et al.

US PN: 6359877 Rathonyl et al.

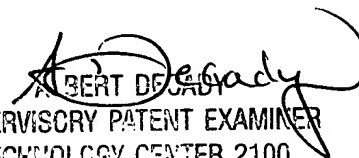
5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (703) 305-7743. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Esaw Abraham

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ALBERT DECADY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100